

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Attorney Docket No. 5490-000345

Application No.:

Filing Date: Herewith

Applicant: Ryan A. Kaiser

Group Art Unit:

Examiner:

Title: METHOD AND APPARATUS FOR CORING AND REAMING
OF BONE

Director of the United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. ____ Submitted herewith is a legible copy of (i) each U.S. patent application publication and U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion; and (iv) all other information or that portion which caused it to be listed.

B. ____ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were

previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

C. X Because the present application was/is being filed after June 30, 2003, no copies of the U.S. patents or U.S. patent application publications which are listed on the attached Form 1449 are enclosed pursuant to the waiver of 37 C.F.R. § 1.98(a)(2)(i). Any foreign patent documents or non-patent literature listed on the attached Form 1449 are enclosed herewith.

D. ____ This is a PCT application in the entry of the National Phase in the United States. A copy of the International Search Report is attached for the Examiner's information. The documents listed on the International Search Report are listed on the attached Form-1449 for consideration by the Examiner and for listing on any patent resulting from this application. Since the International Search Report was from the US, EPO, or JPO search authorities, copies of these references should have been supplied to the USPTO under the trilateral agreement and are believed to be in the file of the above-identified application. (MPEP 1893.03(g))

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

A. X Except as may be indicated below in (B), all of the patents, publications or other information are in the English language (concise explanation not required).

B. ____ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):

1. ____ See the attached foreign patent office communication from a counterpart foreign application:
2. ____ English translations are provided:
3. ____ Other:

C. ____ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

A. ____ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

A. X 37 C.F.R. § 1.97(b): (check only one box)

1. X within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. ____ within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. ____ before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. ____ before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

B. ____ 37 C.F.R. § 1.97(c): (check only one box)

- before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. ____ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. ____ See the certification below. No fee is required.

C. ____ 37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1. ____ See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

A. ___ each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F. R. 1.704(d) below in section VII, if applicable; or

B. ___ no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

C. ___ Some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. STATEMENT UNDER 37 CFR 1.704(d)

The undersigned hereby states that:

___ each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. 1.56(c) more than thirty days prior to the filing of this IDS.

VIII. PAYMENT OF FEES (check only one box)

A. ___ A check in the amount of \$180.00 is enclosed for the above-identified fee.

B. ____ Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

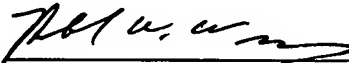
If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: October 16, 2003

By:



Richard W. Warner

Reg. No. 38,043

HARNESS, DICKEY & PIERCE, P.L.C.
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FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 1 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	5490-000345	Not yet assigned
	APPLICANT	
	Ryan A. Kaiser et al.	
	FILING DATE	GROUP
	Not yet assigned	Not yet assigned

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2002/0099383	7/2002	Salazar et al.		
2.		2002/0099382	7/2002	Salazar et al.		
3.		2003/0055431	3/2003	Brannon		
4.		2002/0032447	3/2002	Weikel et al.		
5.		493,730	3/1893	MacKenzie		
6.		1,911,873	5/1993	Balton		
7.		2,573,462	10/1951	Lindsey		
8.		2,591,516	4/1952	Darnell		
9.		3,848,601	11/1974	Ma et al.		
10.		4,007,732	2/1977	Kvavle et al.		
11.		4,010,737	3/1977	Vilaghy et al.		
12.		4,059,115	11/1977	Jumashev et al.		
13.		4,177,797	12/1979	Baylis et al.		
14.		4,649,918	3/1987	Pegg et al.		
15.		4,741,651	5/1988	Despres		
16.		4,782,833	11/1988	Einhorn et al.		
17.		4,830,000	5/1989	Shutt		
18.		4,895,146	1/1990	Draenert		
19.		4,913,143	4/1999	Oloff et al.		
20.		4,927,421	5/1990	Goble et al.		
21.		4,936,313	6/1990	Burkhardt et al.		

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449)

**PATENT AND TRADEMARK OFFICE
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(Use several sheets if necessary)

Sheet 2 of 5

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Ryan A. Kaiser et al.

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GROUP

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U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
22.		4,950,270	8/1990	Bowman et al.		
23.		5,082,403	1/1992	Sutton		
24.		5,139,499	8/1992	Small et al.		
25.		5,139,520	8/1992	Rosenberg		
26.		5,152,763	10/1992	Johnson		
27.		5,190,548	3/1993	Davis		
28.		5,197,967	3/1993	Wilson		
29.		5,205,685	4/1993	Herbert		
30.		5,211,647	3/1993	Wilson		
31.		5,269,786	12/1993	Morgan		
32.		5,320,115	6/1994	Kenne		
33.		5,320,626	6/1994	Schmieding		
34.		5,423,823	6/1995	Schmieding		
35.		5,496,326	3/1996	Johnson		
36.		5,603,716	2/1997	Morgan et al.		
37.		5,632,747	5/1997	Scarborough et al.		
38.		5,697,935	12/1997	Moran et al.		
39.		5,785,714	7/1998	Morgan et al.		
40.		5,865,834	2/1999	McGuire		
41.		5,919,196	7/1999	Bobic et al.		

Examiner:

Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 3 of 5	ATTORNEY DOCKET NO.	SERIAL No.
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U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
42.		5,928,238	7/1999	Scarborough et al.		
43.		6,110,178	8/2000	Zech et al.		
44.		6,451,023	9/2002	Salazar et al.		
45.		6,530,928	3/2003	Frei et al.		

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No	
1.		19503504	3/1996	Germany		Abstract	
2.		9106246	5/1991	WIPO			

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
1.		John C. Garrett; "Osteochondritis Dissecans"; Clinics in Sports Medicine; vol. 10, No. 3; Jul. 1991; pp. 569-593.
2.		H.K. Outerbridge, et al; "The Use of a Lateral Patellar Autologous Graft for the Repair of a Large Osteochondral Defect in the Knee"; The Journal of Bone and Joint Surgery; vol. 77-A, No. 1; Jan. 1995; pp. 65-72.
3.		G.E. van Dyk, et al; "Cancellous Bone Grafting of Large Osteochondral Defects: An Experimental Study in Dogs"; Arthroscopy: The Journal of Arthroscopic and Related Surgery; vol. 14, No. 3; Apr. 1998; pp. 311-320.
4.		Innovative COR.TM. System, Innovative Devices, Inc., Jan. 1997.

Examiner:	Date Considered:
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FORM HDP-1449 (Based on Form PTO-1449) PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE CITATION (Use several sheets if necessary) Sheet 4 of 5	ATTORNEY DOCKET NO.	SERIAL NO.
	5490-000345	Not yet assigned
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	Ryan A. Kaiser et al.	
	FILING DATE	GROUP
	Not yet assigned	Not yet assigned

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
5.		Innovasive COR.TM. System: An Arthroscopic Technique for Harvesting and Transplanting Bone Grafts, Innovasive Devices, Inc., pp. 1-4, Sep. 1996.
6.		N. Gould, "Trephining Your Way," Orthopedic Clinics of North America, vol. 4, No. 1, pp. 157-164 (Jan. 1973).
7.		V. Bobic, "Arthroscopic osteochondral autograft transplantation in anterior cruciate ligament reconstruction: a preliminary clinical study," Knee Surg. Sports Traumatol, Arthroscopy, vol. 3, pp. 262-264 (1996).
8.		L. Hangody et al., "MosaicPlasty.TM. Osteochondral Grafting Technique Guide," Smith & Nephew Endoscopy brochure (1996).
9.		C. Fabbriciani et al., "Osteochondral Autograft in the Treatment of O.D. of the Knee," Orthopaedic Clinic, Catholic Univ., Rome, Italy (1996).
10.		Y. Matsusue, "Arthroscopic Multiple Osteochondral Transplantation to the Chondral Defect in the Knee Associated with Anterior Cruciate Ligament Disruption," Arthroscopy, 9(3), pp. 318-321 (1993).
11.		F. Yamashita, "The Transplantation of an Autogeneic Osteochondral Fragment for Osteochondritis Dissecans of the Knee," Clinical Orthopaedics, No. 201, pp. 43-50 (Dec. 1985).
12.		M. Brittberg et al., "Treatment of Deep Cartilage Defects in the Knee with Autologous Chondrocyte Transplantation," New England J. Med., vol. 331, No. 14, pp. 889-895 (Oct. 6, 1994).
13.		V. Bobic, "Arthroscopic Osteochondral Autograft Transplantation in Chronic Anterior Cruciate Ligament Reconstruction," ESSKA 96, (1996).
14.		V. Bobic, "An Update on Arthroscopic Osteochondral Autograft Transplantation in ACL Reconstruction," AOSSM 22nd Annual Meeting, (1996).
15.		V. Bobic, "Arthroscopic Osteochondral Autograft Transplantation in Anterior Cruciate Ligament Reconstruction: A Preliminary Clinical Study," J Bone Joint Surgery ›BR!, vol. 78-B: Supp. 1 (1996).

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**PATENT AND TRADEMARK OFFICE
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Sheet 5 of 5

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OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
16.		Mankin et al., Restoration of the Osteoarthrotic Joint, J Bone Joint Surgery, vol. 78-A, No. 1, pp. 1-2 (Jan. 1996).
17.		J. Buckwalter, "New Methods of Treating Chondral Defects in the Knee" (undated).
18.		L. Hangody, "Autologous osteochondral mosaic-like graft technique for replacing weight-bearing cartilage defects," ESSKA 96, Budapest, Hungary (May 10-15, 1996).

Examiner:

Date Considered:

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